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Attorneys for Plaintiff
Jamie Neiffer

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMIE NEIFFER,)	Case No.: 2:24-cv-01894-MDC
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER FOR THE AWARD AND
vs.)	PAYMENT OF ATTORNEY FEES
)	AND EXPENSES PURSUANT TO
LELAND DUDEK,)	THE EQUAL ACCESS TO JUSTICE
Acting Commissioner of Social)	ACT, 28 U.S.C. § 2412(d) AND
Security,)	COSTS PURSUANT TO 28 U.S.C. §
)	1920
Defendant.)	

TO THE HONORABLE MAXIMILIANO D. COUVILLIER,
MAGISTRATE JUDGE OF THE DISTRICT COURT:

IT IS HEREBY STIPULATED, by and between the parties through their
undersigned counsel, subject to the approval of the Court, that Jamie Neiffer
("Neiffer") be awarded attorney fees in the amount of FOUR THOUSAND dollars

1 (\$4,000.00) and expenses in the amount of dollars (\$0.00) under the Equal
2 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of
3 dollars (\$0.00) under 28 U.S.C. § 1920. This amount represents compensation for
4 all legal services rendered on behalf of Plaintiff by counsel in connection with this
5 civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

6 After the Court issues an order for EAJA fees to Neiffer, the government
7 will consider the matter of Neiffer's assignment of EAJA fees to Marc Kalagian.
8 The retainer agreement containing the assignment is attached as exhibit 1.
9 Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to honor the
10 assignment will depend on whether the fees are subject to any offset allowed under
11 the United States Department of the Treasury's Offset Program. After the order for
12 EAJA fees is entered, the government will determine whether they are subject to
13 any offset.

14 Fees shall be made payable to Neiffer, but if the Department of the Treasury
15 determines that Neiffer does not owe a federal debt, then the government shall
16 cause the payment of fees, expenses and costs to be made directly to Law Offices
17 of Lawrence D. Rohlffing, Inc., CPC, pursuant to the assignment executed by
18 Neiffer.¹ Any payments made shall be delivered to Law Offices of Lawrence D.
19 Rohlffing, Inc., CPC. Counsel agrees that any payment of costs may be made either
20 by electronic fund transfer (ETF) or by check.

21 This stipulation constitutes a compromise settlement of Neiffer's request for
22 EAJA attorney fees, and does not constitute an admission of liability on the part of
23 Defendant under the EAJA or otherwise. Payment of the agreed amount shall
24

25 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

1 constitute a complete release from, and bar to, any and all claims that Neiffer
2 and/or Marc Kalagian including Law Offices of Lawrence D. Rohlfing, Inc., CPC,
3 may have relating to EAJA attorney fees in connection with this action.

4 This award is without prejudice to the rights of Marc Kalagian and/or the
5 Law Offices of Lawrence D. Rohlfing, Inc., CPC, to seek Social Security Act
6 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of
7 the EAJA.

8 DATE: April 7, 2025 Respectfully submitted,

9 LAW OFFICES OF LAWRENCE D. ROHLFING, INC., CPC

10 */s/ Marc V. Kalagian*

11 BY: _____
12 Marc V. Kalagian
13 Attorney for plaintiff
14 JAMIE NEIFFER

15 DATE: April 7, 2025

16 SIGAL CHATTAH
17 Interim United States Attorney

18 */s/ Jeffrey E. Staples*

19 _____
20 JEFFREY E. STAPLES
21 Special Assistant United States Attorney
22 Attorneys for Defendant
23 LELAND DUDEK, Acting Commissioner of
24 Social Security (Per e-mail authorization)

25 **ORDER**

26 Approved and so
ordered:

DATE: 4-10-25

THE HONORABLE MAXIMILIANO D. COUVILLIER
UNITED STATES MAGISTRATE JUDGE

DECLARATION OF MARC V. KALAGIAN

I, Marc V. Kalagian, declare as follows:

1. I am an attorney at law duly admitted to practice before this Court in this case. I represent Jamie Neiffer in this action. I make this declaration of my own knowledge and belief.
2. I attach as exhibit 1 a true and correct copy of the retainer agreement with Jamie Neiffer containing an assignment of the EAJA fees.
3. I attach as exhibit 2 a true and correct copy of the itemization of time in this matter.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this April 7, 2025, at Santa Fe Springs, California.

/s/ Marc V. Kalagian

Marc V. Kalagian

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 12631 East Imperial Highway, Suite C-115, Santa Fe Springs, California 90670.

On this day of April 7, 2025, I served the foregoing document described as STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d) AND COSTS PURSUANT TO 28 U.S.C. § 1920 on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Ms. Jamie Neiffer
2220 Cougar Dr., Apt. 1080
Laughlin, NV 89029

I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Santa Fe Springs, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

I declare that I am employed in the office of a member of this court at whose direction the service was made.

Marc V. Kalagian
TYPE OR PRINT NAME

/s/ Marc V. Kalagian
SIGNATURE

**CERTIFICATE OF SERVICE
FOR CASE NUMBER 2:24-CV-01894-MDC**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for this court by using the CM/ECF system on April 7, 2025.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system, except the plaintiff served herewith by mail.

/s/ Marc V. Kalagian

Marc V. Kalagian
Attorneys for Plaintiff